

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

Alexander R. Deanda,

Plaintiff,

v.

Case No. 2:20-cv-00092-Z

Xavier Becerra, et al.,

Defendants.

[PLAINTIFFS' PROPOSED] FINAL JUDGMENT

Judgment is entered in favor of plaintiff Alexander R. Deanda, and against defendants Xavier Becerra, in his official capacity as Secretary of Health and Human Services, Jessica Swafford Marcella, in her official capacity as Deputy Assistant Secretary for Population Affairs, and the United States of America, on Mr. Deanda's claims that the defendants are violating Mr. Deanda's rights under section 151.001(a)(6) of the Texas Family Code and the due process clause of the fourteenth amendment in their administration of the Title X program.

Judgment is entered in favor of defendants Xavier Becerra, in his official capacity as Secretary of Health and Human Services, Jessica Swafford Marcella, in her official capacity as Deputy Assistant Secretary for Population Affairs, and the United States of America, and against plaintiff Alexander R. Deanda, on Mr. Deanda's claim that the defendants are violating Mr. Deanda's rights under the Religious Freedom Restoration Act in their administration of the Title X program.

The Court awards the following relief:

1. The Court **DECLARES** that the defendants' administration of the Title X program violates Mr. Deanda's rights under section 151.001(a)(6) of the Texas Family

Code, as there is nothing in 42 U.S.C. § 300(a) that purports to preempt state laws requiring parental consent or notification before distributing contraceptive drugs or devices to minors.

2. The Court **DECLARES** that the defendants' administration of the Title X program violates Mr. Deanda's fundamental right to control and direct the upbringing of his minor children, which is protected by the due process clause of the fourteenth amendment, as protected by the Supreme Court of the United States.

3. The Court **HOLDS UNLAWFUL** and **SETS ASIDE** the second sentence of 42 C.F.R. § 59.10(b) as "not in accordance with law," "contrary to constitutional right, power, privilege, or immunity," and "in excess of statutory . . . authority." 5 U.S.C. § 706(2)(A)–(C).

4. The Court **ENJOINS** Xavier Becerra, in his official capacity as Secretary of Health and Human Services, Jessica Swafford Marcella, in her official capacity as Deputy Assistant Secretary for Population Affairs, and the United States of America from administering the Title X program in a manner that would allow Mr. Deanda's minor children to obtain contraceptive drugs or devices without first securing the parental consent required by section 151.001(a)(6) of the Texas Family Code.

5. The Court **ENJOINS** defendants Xavier Becerra, in his official capacity as Secretary of Health and Human Services, Jessica Swafford Marcella, in her official capacity as Deputy Assistant Secretary for Population Affairs, and the United States of America from enforcing the second sentence of 42 C.F.R. § 59.10(b).

Dated: _____

MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE